

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

Earnest E. Vaughn, Sr.,)	
)	
Plaintiff,)	
)	Civil Action No. 8:17-cv-2232-TLW-KFM
vs.)	
)	
Larry Robert Byrd, a.k.a. Robbie Byrd,)	ORDER
And Greenwood County,)	
)	
Defendants.)	
)	

This matter comes before the Court for review of the Report and Recommendation (“the Report”) filed on February 7, 2018, by United States Magistrate Judge Kevin F. McDonald, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(e), (D.S.C.). ECF No. 53. In the Report, the Magistrate Judge recommends that Plaintiff’s Motion, ECF No. 42, seeking a preliminary injunction, temporary restraining order, and to suppress evidence be denied. *Id.* Plaintiff filed objections to the Report on February 16, 2018. ECF No. 59. The matter is now ripe for disposition.

The Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In conducting its review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are

addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report, the applicable law, and the Objections. The Court notes that the Objections lack any factual or legal basis upon which to grant Plaintiff's motions. It is hereby **ORDERED** that the Report, ECF No. 53, is **ACCEPTED**, and Plaintiff's Objections, ECF No. 59, are hereby **OVERRULED**. For the reasons articulated by the Magistrate Judge, Plaintiff's Motion, ECF No. 42, is **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
Chief United States District Judge

February 28, 2018
Columbia, South Carolina